IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 17221 of 2004**

Between:

1 Challuri Rajakumaraiah S/o Pochaiah, Chairman, Upper Primary School,

Lingapoor (Post and Village) Mandal Shakarpatnam, District Karimngar.
2 Goda Sarojana W/o Narasireddy,PC Member,Upper Primary School,

Lingapoor (Post and Village) Mandal Shakarpatnam, District Karimngar.
3 Nampally Sarojana W/o Sammaiah, Member School Education

Committee Upper Primary School, Lingapoor (Post and Village) Mandal

Shakarpatnam, District Karimngar.
4 Ch. Sammaiah S/o Narasaiah, Member School Education Committee,
Upper Primary School, Lingapoor (Post and Village) Mandal

Shakarpatnam, District Karimngar.

**... PETITIONERS**

AND

1 Mandal Education Officer, Shakarpatnam Mandal Karimngar District
2 The Head Master UPS, Post and Village LIngapoor Mandal Shakarpatnam,

District Karimngar.
3 Mandal Resource Person/Election Officer Shakarpatnam Mandal Karimngar

District

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, especially one in the nature of Writ of Mandamus i) declaring the action of the first respondent in seeking to conduct the elections to the

post of Member of School Education Committee UPS Lingapoor Post and Village as illegal, arbitrary ii) consequently direct the respondents to continue the as Chairman, PC Member and Members respectively of School Education Committee, UPS Lingapoor Post and Village Shankarpatnam Mandal, Karimnagar District till the end of their term and

**Counsel for the Petitioners: MR.K.VASUDEVA REDDY**

**Counsel for the Respondents: GP FOR SCHOOL EDUCATION**

**The Court made the following order:**

**ORDER:**

Petitioner was elected as Chairman of School Education Committee, Upper Primary School, Lingapoor village, Karimnagar District, in the election held on 21.07.2003 where others were elected as members of the Committee. The term of office of the Committee is for a period of two years. While so a notice was displayed on the notice board of the school, notifying to the parents that one post of Member of Vidya Committee has fallen vacant to which election would be held on 17.09.2004 directing the interested persons to enroll their names for the election either on 15.09.2004 or 16.09.2004. The said elections were postponed to 25.9.2004 by notification dated 21.09.2004.

2. Questioning the same the present writ petition is filed contending that under Section 7(5) of the Andhra Pradesh School Education (Peoples Participation) Act, 1998 (for short 'the Act') the term of office of the Committee is for a period of two years, which will expire in July, 2005; in view of the same, issuance of notification is arbitrary and illegal.

4. Learned Government Pleader, on instructions, submits that the first petitioner was enrolled as a member of the Parent Committee but his child left the school for the Academic year 2004-2005 on completion of her $7^{th}$ Class. In view of the same petitioner cannot continue to be a Member or Chairman of the said Committee.

5. It is not in dispute that under Section 5 of the Act the School Committee shall consist of 5 members of whom 4 members shall be the parents of the children enrolled in the school and elected by the parents of the children in the school and the Head Master; where there is no Head Master, a senior-most teacher of the school shall be a Member Convener. Sub Section 4 of Section 5 of the Act postulates that the term of office of the members of the School Committee shall be two years. A parent member shall, however, cease to be a member when he has no child enrolled in the school or when recalled by the Parent-Teacher Association in the manner prescribed.

6. Once the child of the petitioner left the school the petitioner cannot continue as a member. In view of the same issuance of the notification for electing a member does not suffer from any infirmity warranting interference of this Court.

The writ petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J

October 27, 2004

Dsk/Mrr

To

1 Mandal Education Officer, Shakarpatnam Mandal Karimngar District
2 The Head Master UPS, Post and Village LIngapoor Mandal Shakarpatnam,

District Karimngar.
3 Mandal Resource Person/Election Officer Shakarpatnam Mandal Karimngar

District

4 Two CCs to GP For School Education, High Court Buildings, Hyderabad

(OUT)

5 Two CD Copies.